

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

MARY RIVERS,)	
)	
Plaintiff,)	
)	
v.)	Case 3:13-cv-188
)	
KARLA DAVIS, as Commissioner of the)	Judge William J. Haynes, Jr.
Tennessee Department of Labor and)	
Workforce Development,)	
)	
Defendant.)	

ANSWER

Defendant, the Tennessee Department of Labor and Workforce Development, answers the numbered paragraphs of the Complaint as follows:

1. Defendant admits that Plaintiff brings an action pursuant to Title VII, but denies that any violations of Title VII occurred.
2. Denied.
3. Defendant admits that this Court has jurisdiction over claims made pursuant to Title VII.
4. Denied. Defendant is without knowledge of the preceding actions taken by Plaintiff.
5. Defendant admits that venue lies in the Middle District of Tennessee, but denies that any unlawful actions have taken place.
6. Denied. Defendant is without knowledge of the preceding actions taken by Plaintiff.

7. Denied. Defendant is without knowledge of the preceding actions taken by Plaintiff.
8. The allegations contained in the first two sentences are denied. Defendant is without knowledge of the contents of Plaintiff's EEOC charge. Defendant admits the allegations contained in the third and fourth sentences.
9. Admitted upon information and belief.
10. Defendant admits that Plaintiff was an employee until she retired.
11. Admitted.
12. Defendant admits that it is an employer.
13. Admitted.
14. Defendant admits that Plaintiff was hired on June 1, 1970. Defendant admits that Plaintiff became an unemployment investigator on January 9, 2011. Any other allegations contained in this paragraph are denied.
15. Admitted.
16. Defendant admits that employees who are promoted to positions with higher salary ranges typically receive a raise in pay. Any other allegations contained in this paragraph are denied.
17. Denied.
18. Defendant admits that employees who are promoted to positions with higher salary ranges typically receive a raise in pay. Any other allegations contained in this paragraph are denied.
19. Denied.

20. Denied.
21. Denied
22. Denied.
23. Defendant repeats and realleges its previous responses.
24. Denied.
25. Denied.
26. Defendant repeats and realleges its previous responses.
27. Denied.
28. Denied.
29. Defendant requests that each of Plaintiff's requests for relief be denied.
30. All claims not expressly admitted are hereby denied.

DEFENSES

Defendants further responds to the claims made by Plaintiff by pleading the following in their defense.

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Some or all of Plaintiff's claims may be barred by the applicable statute of limitations or were not otherwise timely filed.
3. Some or all of Plaintiffs claim may be barred by sovereign immunity.
4. Defendant acted promptly and reasonably to prevent or correct the alleged harassment and Plaintiff unreasonably failed to take advantage of preventive opportunities offered to her.

5. Defendant had legitimate, non-discriminatory reasons for every employment action and decision it made regarding Plaintiff.

6. Plaintiff failed to avail herself of all administrative remedies.

Defendant prays that it be dismissed with costs taxed against Plaintiff.

Respectfully submitted,

**ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND
REPORTER**

s/Jay Ballard

Jay C. Ballard, BPR #17242

Assistant Attorney General

Civil Litigation and State Services Division
P.O. Box 20207

Nashville, TN 37202

(615) 741-5031

jay.ballard@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2013, a copy of Defendant's Answer was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt as follows:

Allen Woods
P.O. Box 128498
Nashville, Tennessee 37212

Parties may access this filing through the Court's electronic filing system.

s/Jay Ballard

Jay C. Ballard, BPR #17242

Assistant Attorney General

Civil Litigation and State Services Division
P.O. Box 20207

Nashville, TN 37202

(615) 741-5031